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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,963	08/15/2004	Jeff Hemphill	LUKP:113US	4962
24041	7590	08/22/2005	EXAMINER	
SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221-5406			RO, BENTSU	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/710,963

Applicant(s)

HEMPHILL ET AL.

Examiner

Bentsu Ro

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/5/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 40, 41 and 43-51 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-39 and 42 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/15/04, sheets 1-5 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/20/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

EX PARTE QUAYLE ACTION

1. Claims 1-39 and 42 are allowable except the following amendments are required:
 - Claim 11 (version of 7/5/2005), lines 10 and 22, delete the phrases "in particular" (total three occurrences). It is noted that the phrase "in particular" is indefinite, therefore, it should be deleted from the claim.
 - Claim 11, lines 24 and 28, delete the word "especially" (total two occurrences). The word "especially" is indefinite and therefore, should be deleted from the claim.
 - Claim 17, lines 1-4, delete the phrase "in particular" (total three occurrences).
 - Claim 18, line 6, delete the phrase "such as a swiveling lever (42,44) or similar device,". This phrase is indefinite and should be deleted from the claim.
 - Claim 18, lines 7-8, delete the indefinite phrase "such as a selector rail,".
 - Claim 19, line 2, change "the motor vehicle transmission" to --a motor vehicle transmission--. This amendment is required so as to provide a proper antecedent for the motor vehicle transmission.
 - Claim 22, line 2, delete the indefinite phrase "such as swivel-mounted swiveling levers (42, 44),".
 - Claim 23, lines 4-5, delete the phrase "in particular" (total two occurrences).
 - Claim 23, line 10, change "the motor vehicle transmission" to --a motor vehicle transmission--.
 - Claim 25, lines 2-3, delete the phrase "in particular".

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- Claim 26, line 2, delete the phrase "such as a spring (156),".
 - Claim 33, line 2, delete the phrase "in particular".
 - Claim 35, line 2, delete the phrase "in particular".
 - Claim 35, lines 4-5, delete the phrase ", such as a plain bearing bush (132)"
 - Claim 36, line 2, change the last few words "in the motor vehicle" to --in a motor vehicle--.
 - Claim 37, line 2, change the phrase "the electric motor (12)" to --an electric motor (12)--.
 - Claim 42, line 2, delete the phrase ", and in particular".
2. Claims 40, 41, 43-51 should be "canceled", not "withdrawn".
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
4. The drawing sheets 1-5 (submitted 8/15/2004) are objected to because the lines and characters are not clear. New formal sheets 1-5 are required.
5. This application is in condition for allowance except for the following formal matters:
- see paragraphs 1, 2 and 4 above.

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Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

6. Any inquiry concerning this communication should be directed to Bentsu Ro at telephone number 571 272-2072.

8/16/2005


Bentsu Ro
Senior Examiner
Art Unit 2837